

# **Voting Rights and the Kansas Secure and Fair Elections Act**

## **Kansas Advisory Committee to the U.S. Commission on Civil Rights**

### **Report outline (Draft for Committee Review 11.01.2016)**

1. Introduction
  - a. Jurisdiction of the U.S. Commission on Civil Rights
  - b. Introduction to Kansas Advisory Committee study
2. Background
  - a. The United States Voting Rights Act
  - b. The Kansas Secure and Fair Elections Act
    - i. Overview
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3. Summary of Panel Testimony
  - a. Voter Identification and Proof of Citizenship
    - i. Implementation Training and Consistency
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      2. Poll workers rejecting valid voter identification
      3. Voter registration data loss or errors in transfer
    - ii. Voter Education
    - iii. Substantial Burden
      1. Voters
      2. Community groups
      3. Local election officials
    - iv. Voters not Born in Kansas
  - b. Voter Participation
    - i. Impact of voter ID laws on voter turnout
    - ii. Voter participation in Kansas since the implementation of the SAFE Act
  - c. Civil Rights and Disparate Impact
    - i. Groups that may be disproportionately impacted
    - ii. Improper Intent
      1. Cases of voter fraud identified do not involve undocumented people voting, raises questions about the intent of the proof of citizenship requirement
      2. Procedural irregularities may signal improper intent. Kansas is the only state to give the Secretary of State prosecutorial authority to the Secretary of State
  - d. Addressing Voter Fraud

- i. Opponents of the SAFE Act say attestation of citizenship under penalty of perjury, like used on the Federal registration form, is sufficient to address fraud; Proponents say that this is not sufficient in an increasingly mobile society and that confusion can lead non-citizens to fill out a form even if they are not eligible.
- ii. Proponents of the SAFE Act suggest that citizenship and ID requirements are intuitive for native-born citizens and expected for naturalized citizens and assert that proof of citizenship is a reasonable requirement, offering that both Mexico and Canada require voters to document citizenship.
- iii. Cases of voter fraud discovered since the law went into effect
  - 1. Primary example of voter fraud involves individuals voting in multiple jurisdictions. Proof of citizenship and photo identification do not address this.
  - 2. The number of eligible Kansans who prevented or deterred from registering or casting their vote is projected in far greater numbers than the number of cases of voter fraud identified and prosecuted

#### 4. Findings and Recommendations

- a. Findings
- b. Recommendations